

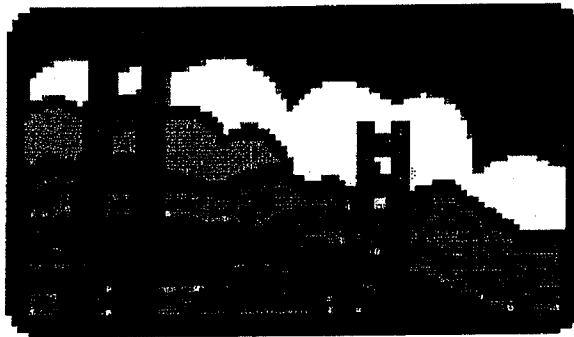
# **Judges and Lawyers Assistance Program**

**Materials Submitted by:  
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**Trial Court Employee Conference**  
**July 20, 2010**  
**Indianapolis, Indiana**

# **JLAP: A Bridge Over Troubled Water**



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**All calls to JLAP are confidential under Admission and Discipline  
Rule 31 § 9 and 8.3 (d) of the Rules of Professional Conduct.**



# **"Men have feelings but the law does not"**

Napoleon I, Emperor of France

## **The Indiana Judges & Lawyers Assistance Program (JLAP) understands...**

*Research has shown* that lawyers may suffer from substance abuse and depression at a rate higher than the general population.

*Experience has shown* that lawyers may be more reluctant than others to seek help for their own problems.

*The purpose of JLAP* is to provide confidential assistance to judges, lawyers and law students who may encounter these and other issues that could impair their ability to practice in a professional and competent manner.

If you have a problem with substance abuse, other addictions, mental health issues, aging or physical disabilities, or know someone else who does,  
JLAP is here to help.

For help, information or to volunteer contact:

**Indiana JLAP  
320 North Meridian Street, Suite 606  
Indianapolis, IN 46204  
(317) 833-0370 or Toll Free at (866) 428-JLAP (5527)**

[www.in.gov/judiciary/ijlap](http://www.in.gov/judiciary/ijlap)

*All calls are confidential.*

### **Rule 31. Judges and Lawyers Assistance Program**

**Section 1. Establishment.** The Judges and Lawyers Assistance Committee is created and shall have the powers and duties set out below. The Committee shall be composed of Committee members, an Executive Director, and such other persons as shall from time to time be approved by the Supreme Court and who are necessary to carry out the Committee's work.

**Section 2. Purpose.** The purpose of the Judges and Lawyers Assistance Program is assisting impaired members in recovery; educating the bench and bar; and reducing the potential harm caused by impairment to the individual, the public, the profession, and the legal system. Through the Judges and Lawyers Assistance Program, the Committee will provide assistance to judges, lawyers and law students who suffer from physical or mental disabilities that result from disease, chemical dependency, mental health problems or age that impair their ability to practice; and will support other programs designed to increase awareness about the problems of impairment among lawyers and judges.

### ***Section 3. Committee Members.***

- (a) The Committee shall consist of fifteen (15) Committee members, all of whom shall be appointed by the Supreme Court. Members shall have experience with the problems of chemical dependency and/or mental health problems. Seven (7) members shall be practicing lawyers; five (5) shall be judges; one (1) shall be a law school administrator or law school faculty member employed by, or a law student enrolled in, an Indiana law school at the time of appointment; two (2) members may be filled by judges, lawyers, and/or law student(s). A reasonable effort shall be made to provide geographical representation of the State.
- (b) Members shall be appointed for three-year terms. All terms shall commence on January 1 and end on December 31. Any member who has served three (3) consecutive terms exclusive of filling out an unexpired term, shall not be reappointed to the Committee for at least three (3) consecutive years. Any vacancy on the Committee shall be filled as soon as practicable and the new member so appointed shall serve the unexpired term of the member being replaced. Any member may be removed by the Supreme Court for a good cause.
- (c) Election of Officers. The members shall elect from the membership a Chair who shall preside at all meetings, a Vice-Chair who shall preside in the absence of the Chair, a Secretary who shall be responsible for giving notices and keeping the Committee's minutes, and a Treasurer who shall be responsible for keeping the Committee's records of account.
- (d) Executive Committee. The Officers shall comprise the Executive Committee, which shall have the power to conduct all necessary business that may arise between meetings of the full Committee. Three (3) Officers shall constitute a quorum. The Executive Committee shall act by a vote of a majority of the Officers. All action taken by the Executive Committee shall be reported to the full Committee at its next meeting.
- (e) Meetings. The Committee shall meet at least twice each year at times and places designated by the Chair. The Chair, the Executive Committee or any six Committee members may call special meetings of the Committee.
- (f) Notices. The Secretary shall send notice of each Committee meeting, which states the meeting's purpose, to all members at least five (5) business days before the meeting.
- (g) Quorum. Six (6) members shall constitute a quorum for the transaction of business. The Committee shall act by majority of the members constituting the quorum. Members may participate in meetings by telephone or other similar device.

**Section 4. Powers and Duties of the Committee.** In addition to the powers and duties set forth elsewhere in this Rule, the Committee shall have the power and duty to:

- (a) Adopt rules and regulations, to be known as the Judges and Lawyers Assistance Program Guidelines, for the efficient discharge of its powers and duties. The Guidelines shall become effective when approved by the Supreme Court.
- (b) Establish an office to provide administrative and financial record keeping support for the Committee.
- (c) Establish a mechanism, subject to Court approval, to arrange loans or other financial assistance to members of the bar for recovery related expenses.
- (d) Review this Rule and Guidelines from time to time and make recommendations to the Supreme Court for changes.
- (e) Publish proposed Guidelines and procedures through West Publishing Company and Res Gestae and file them with the Clerk of the Supreme and Appellate Courts.
- (f) Appoint subcommittees having such powers and duties as the Committee may determine are necessary to carry out the Committee's work; including trustees of any organization created to receive and distribute or spend grants, bequests, gifts and other monies for loans or other financial assistance to members of the bar for recovery related expenses.

- (g) Provide financial reports to the Chief Justice.
- (h) Make an annual report of its activities to the Supreme Court each year. The report shall include a statement of income and expenses for the year.
- (i) Recruit and train volunteers, as defined by the Guidelines, to assist the Committee's work with impaired members of the legal profession.
- (j) Do all other things necessary and proper to carry out its powers and duties under this Rule.

**Section 5. Executive Director.** With the assistance of the Committee members, the Chief Justice shall hire an Executive Director.

**Section 6. Powers and Duties of the Executive Director.** In addition to the powers and duties set forth in this Rule or otherwise defined by the Committee or the Supreme Court, the Executive Director shall have the power and duty to:

- (a) Administer the Committee's work.
- (b) Appoint, with approval of the Committee, such staff as may be necessary to assist the Committee to carry out its powers and duties under this Rule.
- (c) Supervise and direct the work of the Committee's staff and volunteers.
- (d) Assist the Committee in developing Guidelines.
- (e) Supervise the maintenance of the Committee's records.
- (f) Assist judges, courts, lawyers, law firms and law schools to identify and intervene with impaired members of the legal profession.
- (g) Do all things necessary and proper to carry out the Executive Director's duties and powers under this Rule.

**Section 7. Sources and Uses of Funds.**

- (a) The Indiana Supreme Court shall periodically designate a portion of the registration fee charged to attorneys pursuant to Admission and Discipline Rule 2 to be used for the operations of the Judges and Lawyers Assistance Committee. The Executive Director shall deposit such funds into an account designated "Supreme Court Judges and Lawyers Assistance Committee Fund."
- (b) The Supreme Court shall specifically approve the salaries to be paid out of the Judges and Lawyers Committee Fund.
- (c) Not later than May 1 of each year, the Committee shall submit for approval by the Supreme Court an operating budget for July 1 to June 30 of the following fiscal year.

**Section 8. Referrals.**

- (a) Any judge, lawyer, or law student may contact the Committee seeking assistance.
- (b) Any person may report to the Committee that a judge, lawyer, or law student needs the Committee's assistance. The Committee shall then take such action as authorized by the Guidelines.
- (c) The Supreme Court, the Indiana Commission on Judicial Qualifications, the Disciplinary Commission, the Board of Law Examiners, and the Administration of any Indiana law school may refer judges, lawyers, or law students to the Committee for assessment or treatment upon such terms authorized by the Guidelines.
- (d) The Committee may refer judges, lawyers, and law students to outside agencies, organizations, or individuals for assessment or treatment upon such terms authorized by the Guidelines.

**Section 9. Confidentiality.**

- (a) All information, including records obtained by the Committee in the performance of its duty under these rules and as delegated by the Supreme Court of Indiana, shall be confidential, except as provided by the Program Guidelines.
- (b) Nothing in this section prevents the Committee from communicating statistical information which does not divulge the identity of an individual.
- (c) Violation of the confidentiality provisions of this rule shall be subject to disciplinary proceeding under Indiana Admission and Discipline Rules 12, 23 and 26.

**Section 10. Immunity.** The Committee, Executive Director, staff, and volunteers are not subject to civil suit for official acts done in good faith in furtherance of the Committee's work. Absent malice, a person who gives information to the Committee, staff or volunteers about a judge, lawyer or law student thought to be impaired is not subject to civil suit.

*Adopted effective Oct. 14, 199; amended Aug. 15, 2006, effective Jan. 1, 2007; amended effective Dec. 16, 2008.*

# **DEPRESSION**

## **What do these famous people have in common?**

Hans Christian Anderson, Rosanne Barr, Irving Berlin, Hector Berlioz, Robert Burns, Dick Cavett, Winston Churchill, Samuel Clemens, Joseph Conrad, Charles Dickens, Emily Dickinson, Kitty Dukakis, Patty Duke, t.s. elliot, William Faulkner, F. Scott Fitzgerald, Connie Francis, Paul Gaugin, Victor Hugo, Howard Hughes, Helen Hutchinson, Joan of Arc, Keats, Abraham Lincoln, Martin Luther, Kristie McNicoll, Boris Pasternak, Edgar Allen Poe, Cole Porter, Charlie Pride, Queen Elizabeth I, Rachmaninoff, Robert Louis Stevenson, Lord Tennyson, Tolstoy, Ted Turner, Mike Wallace, Walt Whitman, Robin Williams, Tennessee Williams

**DEPRESSION** is a life-changing and chronic condition that affects a person's

**Mood**  
**Physical Well Being**  
**Psychological Outlook**  
**Ability to Experience Joy and Hope**

A **treatable** disease, depression is an illness, not a weakness of character.

**CAUSATION** four main factors in depression

**Genetic**  
**Psychological**  
**Biological**  
**Environmental**

Risk for depressive illness increases with number of combining factors.

Indiana Judges and Lawyers Assistance Program (JLAP)



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### **Major Predictors of Suicidal Behavior**

#### **Current Plan**

- **Specificity of plan**
- **Availability of means**
- **Lethality of method**

#### **Previous History**

- **Prior Suicide Attempt**
- **Family history of Attempted or Completed Suicides and/or Mental Illness**

#### **Resources available**

### **Suicide Warning Signs**

- **Suffered a recent loss (death of friend or family member; divorce or separation; broken relationship; loss of job or retirement, money, home, status; health problems (important whether the loss is significant to them even if it would not be for most people))**
- **Substance abuse and/or dependence**
- **Mood Disorder (depression, bipolar, etc.)**
- **Expressions of hopelessness, powerlessness, worthlessness, shame, guilt, self-hatred, inadequacy**
- **Declining performance or interest in work**
- **Change in sleeping and eating patterns (either direction)**
- **Loss of interest in, and withdrawal from, friends, family and society**
- **Isolation**
- **Explicit statements of thoughts or feelings of suicide, death and/or dying**
- **Acquiring the means to commit suicide (buying gun, stockpiling medications)**
- **Making arrangements; drafting a will; getting one's affairs in order**
- **Giving away personal possessions**
- **Sudden religious interest or disinterest**
- **Acting reckless or engaging in risky behavior**
- **Changes in personality, including suddenly appearing happier, calmer**
- **Loss of hope**

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### **What Can I Do to Help Someone Who May Be Suicidal?**

- Know the risk factors
- Recognize depression
- Take any threat of suicide seriously
- Be willing to listen; be as nonjudgmental as you can
- If there is no explicit threat – ask; don't worry about being embarrassed because you were wrong
- If they are feeling suicidal, ask if they have a plan. See if they have the means or have thought about when to make an attempt.
- If they DO NOT have a plan they still need professional help. Encourage them to call JLAP or a mental health professional or call JLAP yourself.
- If the threat is immediate, do not leave them alone. Remove any firearms, drugs or sharp objects. Take whatever action is necessary to get them professional assistance immediately.
- Never agree to keep the fact that they are suicidal a secret.
- **At any stage, call JLAP.** We are here to help in any way, from guiding you through determining if a friend or colleague may be suicidal to helping get an acutely suicidal friend or colleague hospitalized.

### **INTERVENTION**

#### **Do's**

Remain calm  
Help define problem  
Rephrase thoughts  
Focus on central issue  
Stay close  
Emphasize temporary nature of situation  
Emphasize resources  
Listen!

#### **Don'ts**

Don't sound shocked  
Don't offer empty promises  
Don't debate morality  
Don't leave the person alone  
Don't keep it a secret  
Don't remain only person helping

## What is chemical dependency?

Chemical Dependency is a primary disease characterized by the compulsive use of mood altering drugs (including alcohol) despite adverse consequences. (I continued to do something, expected different results.)

### Characteristics:

1) Primary disease

The disease itself causes drinking or drug use. It is not secondary to some other disease or mental illness.

2) Progressive

The disease always gets worse, it does not get better and there is no turning back and beginning all over again as if one never drank or used.

3) Fatal

This disease is fatal if not controlled. It leads to premature death and serious health problems even if the death certificate indicates that the cause of death was due to one of the complications of the disease, e.g., heart problems, liver failure, car accident, bleeding ulcers, etc.

4) Treatable

The disease can be controlled if the drinking or drug use stops. It is much like diabetes in the sense that if the body chemistry is stabilized by not drinking or using, then the alcoholic may lead a normal life.

5) Relapse is common

6) Genetics play a part

Many studies have corroborated a genetic or familial predisposition to this disease.

7) DENIAL is a hallmark of the disease.

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# SUBSTANCE ABUSE SIGNS & SYMPTOMS IN ATTORNEYS

## Early Stages

- **Professional:** client neglect, unreturned phone calls, late for depositions, cancelled appointments, numerous "sick" days
- **Legal:** 1<sup>st</sup> DUI, open container, disorderly conduct
- **Ethical:** late for hearings, "technical" trust violations (reconciliations, ledger cards,) "last minute" filings, failure to diligently prosecute/defend

## Late Stages

- **Professional:** failure to come to the office and/or appear for hearings, intoxicated in court, unprofessional appearance/hygiene, inappropriate mood (depressed, angry, withdrawn,) abandonment of practice
- **Legal:** 2<sup>nd</sup> DUI+, controlled substance charge, domestic violence
- **Ethical:** Substantive trust violations (misappropriation), statute of limitations violations, dishonesty to tribunal